

Appendix 3I. Chapter 13 Debtor's Certification and Request for Discharge (BAPCPA Case).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)
) Bankr. No. 09-40000
) Chapter 13
WADE GUY EARNER)
)
) aka W.G. Earner)
) SSN/ITIN xxx-xx-0000)
) DEBTOR WADE EARNER'S
) CERTIFICATION AND
and) REQUEST FOR DISCHARGE
)
)
WANDA GAL EARNER)
)
) SSN/ITIN xxx-xx-0001)
)
) Debtors.)

STATE OF SOUTH DAKOTA)
)
) COUNTY OF) ss
)

I, an above-named debtor, being duly sworn upon oath, state as follows:

1. Eligibility. I am asking the Court to enter a discharge order in this case because I have completed all payments, including any disposable income payments, due under the confirmed plan and any subsequent modifications approved by the Court and I have completed an instructional course concerning Personal Financial Management and have filed verification of the same with the Court. I further state I have not received a discharge in a chapter 7, 11 or 12 bankruptcy case filed within four years before the filing of this chapter 13 bankruptcy case, and I have not received a discharge in another chapter 13 bankruptcy case filed within two years prior to the filing of this chapter 13 bankruptcy case

2. Domestic Support Obligation (check A or B and, if B is checked, complete B in full):

A. **NO** Support Debt. I have not been required by a judicial or administrative order or by statute to pay any Domestic Support Obligation, as defined by 11 U.S.C. § 101 (14A), either before this bankruptcy case was filed or any time thereafter.

OR

B. Support Debt. I have been required to pay a Domestic Support Obligation, as defined by 11 U.S.C. § 101(14A), either before this bankruptcy case was filed or any time thereafter. I certify that prior to the date of this affidavit I have paid in full any Domestic Support Obligation payments required by a judicial or administrative order or by statute, including amounts due before or since this bankruptcy case was filed, to the extent provided by the confirmed plan and any subsequent modifications thereto.

The name and address of each holder of a Domestic Support Obligation are:

My most recent address(es) is/are:

The name and address of my most recent employer(s) is/are:

The following creditor(s) hold a claim that is not discharged under 11 U.S.C. § 523(a)(2) or (a)(4) [list name and address of each creditor or specify "NONE"]:

3. Application of 11 U.S.C. § 522(q). I confirm [check A or B]:

A. 11 U.S.C. § 522(q)(1) does not apply because I have not claimed a homestead or other exemption specified in 11 U.S.C. § 522 (p)(1) in an amount greater than \$136,875;

OR

B. Although I have claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(1) in an amount greater than \$136,875, 11 U.S.C. § 522(q)(1)(A) does not apply because I have not been convicted of a felony, as defined by 18 U.S.C. § 3156, that under the circumstances demonstrate the filing of the case was an abuse of the provisions of this Title 11 of the United States Code, and 11 U.S.C. § 522(q)(1)(B) does not apply because I do not owe a debt arising from:

(i) any violation of the federal securities laws, as defined in § 3(a)(47) of the Securities Exchange Act of 1934, any state securities laws, or any regulation or order issued under federal securities laws or state securities laws;

(ii) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or

§ 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;

(iii) any civil remedy under 18 U.S.C. § 1964; or

(iv) any criminal act, intentional tort or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five years.

4. There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

By signing this affidavit, I declare under penalty of perjury all of the statements contained herein and all of the information or documents submitted in support thereof are true and accurate and the Court and the case trustee may rely on the truth of each in determining whether to grant a discharge in this chapter 13 case. The Court may revoke my/our discharge if any of these statements or any of the information or documents submitted in support thereof are not true and accurate.

Dated: March 9, 2012.

/s/
Wade Guy Earner

Subscribed and sworn to before me this day of , 20 .
(SEAL)

/s/
Notary Public

My commission expires:

SEE COMMITTEE NOTES ON THE FOLLOWING PAGE

Committee Notes

The document must be completed in full, sworn to and signed in front of a Notary Public and filed with the Court in order to begin the discharge process.

Each debtor in a joint case must complete a separate document.

The amount of the homestead limitation in paragraph 3.b. adjusts every three years. Check a current Code for the present amount.

Any question a debtor may have pertaining to this document or declarations contained in this certification must be directed to the debtor's attorney, not the case trustee. The case trustee cannot provide legal advice to any debtor.